

to the Election Requirement, Applicant hereby elects Species I and Species II, consisting of claims 1-15 and 29-32 with traverse.

#### **INTERVIEW SUMMARY, TRAVERSAL AND REMARKS**

During the course of the telephone interview with Examiner An, the undersigned pointed out that the assertion that an election requirement was needed was based upon an assertion that examining all "species" would be an undue burden. However, in theory, since the prior search was to all claims except claim 16 resulting in an action on the merits, there should be no additional burden in examination of this application since the Examiner should have theoretically thoroughly searched all claims except claim 16 at this point. This position is believed supported by MPEP 706, 818.01, and 904.

The Examiner was not persuaded by this line of reasoning, and indicated that the main reference used in the first action on the merits was identified early in his search and contained many of the features needed to generate a rejection of all claims. (For the record, Applicant does not concede that this reference provides such teachings, but any arguments would be moot in view of the rule 131 declaration.) Since that reference has been sworn behind, the Examiner now feels that additional searching is needed, and believes such searching of the prior elected claims to be an undue burden. The Examiner, however, offered the compromise to which the above election is a full response.

While the undersigned appreciates the Examiner's willingness to work with Applicant toward resolution of this matter, traversal is still believed appropriate for the above reasons as well as others. The undersigned believes that an Examiner should be required to search the set of claims to which he originally agreed to examine, much as Applicant would be held to the original election if he wished to change to a new election after the first action on the merits. The undersigned has reviewed this election requirement and believes that the species outlined (spanning pages 2 and 3) cannot be accurately characterized as species. The claims call out various combinations and sub-combinations of elements and functions that are ultimately used in a transcoder as a process for drift compensation (e.g.,

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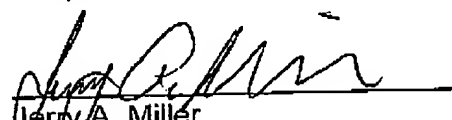
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construct drift reference block > construct drift reference frame from drift reference block  
> use drift reference frame in drift compensation process > implement drift compensation  
process within transcoder). The undersigned further notes that claim 16 (Species IV)  
incorporates almost all of the claim features found in the other claims. Applicant also  
submits that claims 23 and 29 are generic claims to claim 16 and requests that Species  
III and Species IV be combined for examination in any divisional application, or in the event  
the present traversal is accepted. Accordingly, reconsideration and examination of all  
claims is respectfully requested.

The Examiner is requested to contact the undersigned at 919-816-9981 if any  
issues remain to be resolved with regard to this election requirement. Moreover, the  
undersigned respectfully invites the Examiner to contact him by telephone if there is any  
way he can assist the Examiner advancing the examination of this application. The  
undersigned appreciates the complexity of this technology and is happy to work with  
Examiner An to expedite disposal of this application in any way possible.

No fee is believed to be required for this communication, but if a fee is required, the  
Commissioner is hereby authorized to charge such fees to deposit account number 50-  
1267.

Respectfully submitted,

  
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Dated: 1/17/05

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